

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE: CTP INNOVATIONS, LLC,) MDL No. 14-MD-2581
PATENT LITIGATION)

CTP INNOVATIONS, LLC v.)
SPECIALTY PROMOTIONS, INC.) 15-cv-1692-MJG
)

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MEMORANDUM & ORDER RE: MOTION TO DISMISS

The Court has before it Defendant Specialty Promotions, Inc.'s Rule 12(b)(6) Motion to Dismiss [ECF No. 228] and the materials submitted relating thereto. The Court finds no need for a hearing to resolve the pending motion.

By the instant motion, Defendant seeks dismissal for Plaintiff's alleged failure adequately to plead a direct infringement claim and willfulness. The Defendant also seeks dismissal under 35 U.S.C. § 101, citing Alice Corp. Pty. Ltd. v. CLS Bank Int'l, 573 U.S. ---, 134 S. Ct. 2347 (2014).

Plaintiff's allegations in the instant Complaint are essentially equivalent to those presented in cases included in this multi-district proceeding. In the Memorandum & Order Re: Motion to Dismiss, ECF No. 233, the Court addressed essentially identical motions in eleven of these cases. The Court therein denied dismissal of the direct infringement claim, dismissed the willfulness claim without prejudice to the right to seek to file

an amended complaint, and denied dismissal on § 101 grounds without prejudice to the right of defendants to renew the motion. The Court finds no reason to treat the instant motion differently from those resolved by the Memorandum & Order Re: Motion to Dismiss [ECF No. 233].

Accordingly, for the reasons as stated in the Court's prior decisions:

1. Defendant Specialty Promotions, Inc.'s Rule 12(b)(6) Motion to Dismiss [ECF No. 228] is GRANTED IN PART and DENIED IN PART.
 - a. Plaintiff's willfulness claims are dismissed without prejudice to the right to seek leave to amend the complaint to add a willfulness claim.
 - b. Dismissal pursuant to 35 U.S.C. § 101 is denied without prejudice to renewal pursuant to scheduling to be set by further Order.
2. Defendant may defer filing an Answer to the Complaint until required by further Order.¹
3. The parties shall proceed pursuant to the Letter Order of October 28, 2015 regarding the case planning conference.

SO ORDERED, on Monday, November 30, 2015.

/s/
Marvin J. Garbis
United States District Judge

¹ See Order Re: Deadline Extension [ECF No. 265].